

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JUSTIN H. PHILLIPS,

Plaintiff,

v.

UNITED STATES BUREAU OF THE CENSUS,

Defendant.

No. 22-cv-09304-JSR

**DECLARATION OF JEFFREY ZALESIN IN SUPPORT OF
PLAINTIFF’S MOTION FOR ATTORNEYS’ FEES**

I, Jeffrey Zalesin, am over the age of 18 and competent to make this declaration. Pursuant to 28 U.S.C. § 1746 and the laws of the United States, I state the following:

1. I am an associate at the law firm Selendy Gay Elsberg PLLC (“SGE”) and one of the attorneys for Plaintiff Justin H. Phillips in the above-captioned case. I submit this declaration based on personal knowledge, in support of the Plaintiff’s application for attorneys’ fees and costs.

Counsel’s Billing Records

2. I attach my time records for the prosecution of the FOIA proceeding as Exhibit 1. These time sheets are based on contemporaneous records and, in an effort to make a reasonable demand, do not include the work spent preparing this fee application. I undertook 56.1 hours of work in this case for which Plaintiff is seeking to recover fees, as reflected in Exhibit 1. I believe the 56.1 hours I expended were reasonable and necessary for the success of this case.

3. The work that Plaintiff’s counsel have performed to date, and for which Plaintiff seeks to recover its costs and reasonable attorneys’ fees, includes, among other tasks: drafting

pleadings and other court documents, preparing for and attending status conferences with Judge Rakoff, settlement negotiations, preliminary work with experts in advance of motion for summary judgment, and communications with Plaintiff.

4. Plaintiff does not seek to recover fees for time spent litigating this fee application.

Jeffrey Zalesin's Qualifications

5. I received my J.D. from Yale Law School in May 2019. While in law school, I participated as a student intern in the Rule of Law Clinic ("ROLC") and was a member of a ROLC team that represented the National Association for the Advancement of Colored People ("NAACP") and certain of its affiliates in two litigation matters concerning the 2020 Census: *NAACP v. U.S. Dep't of Commerce*, 3:17-cv-01682 (D. Conn.) (FOIA action), and *NAACP v. Bureau of the Census*, 8:18-cv-00891 (D. Md.) (action under the Constitution and Administrative Procedure Act).

6. From 2019 to 2020, I served as a Legal Fellow at Campaign Legal Center ("CLC"). My practice at CLC was devoted to litigation and public advocacy regarding the 2020 Census, redistricting, voting rights, and campaign finance. Some of the litigation on which I worked at CLC, like the present action, involved claims under FOIA. The litigation matters on which I worked at CLC include *Campaign Legal Center v. Bureau of the Census*, 8:20-cv-00625 (D. Md.) (FOIA action); *Campaign Legal Center v. Federal Election Commission*, 1:19-cv-02336 (D.D.C.) (action challenging dismissal of administrative complaint regarding alleged violations of campaign finance law); *Holloway v. City of Virginia Beach*, 2:18-cv-0069 (E.D.V.A.) (Voting Rights Act action); *Raysor v. Lee*, 4:19-cv-00301 (N.D. Fl.) (challenge to Florida law requiring payment of certain financial obligations as condition of restoration of voting rights to individuals with felony convictions); *League of Women Voters of Tennessee v. Hargett*, 3:19-cv-385 (M.D. Tenn.)

(challenge to Tennessee law restricting voter registration activities); and *League of Women Voters of Minnesota v. Simon*, 20-cv-01205 (D. Minn.) (challenge to certain restrictions on voting by mail in Minnesota during COVID-19 pandemic).

7. From 2020 to 2021, I served as a Law Clerk to the Honorable Christopher R. Cooper of the United States District Court for the District of Columbia.

8. Since 2021, I have served as an Associate at SGE. My practice at SGE focuses on complex commercial disputes in federal and state courts and before arbitral tribunals. Representative matters on which I have worked at SGE include *Deutsche Bank Securities Inc. v. Kingate Global Fund Ltd.*, 19-cv-10823 (S.D.N.Y.) and *Fortis Advisors LLC v. Johnson & Johnson*, C.A. No. 2020-0881-LWW (Del. Ch.). I also maintain an active public-interest practice focused on voting rights and redistricting. In addition to representing Plaintiff in the instant action, I represented the American Bar Association as *amicus curiae* in *Moore v. Harper*, 21-1271, a case before the Supreme Court concerning redistricting and elections.

9. I am admitted to practice before the U.S. District Court for the Southern District of New York, the U.S. District Court for the Eastern District of New York, and the U.S. District Court for the District of Columbia. I have been admitted pro hac vice in certain other courts, including the U.S. District Court for the District of Maryland and the Delaware Court of Chancery.

10. I was admitted to the District of Columbia bar (Bar. No. 1671482) on December 27, 2019, and remain in good standing. I was admitted to the New York State Bar (Bar. No. 5936513) on January 18, 2022, and remain in good standing.

11. I have not been disciplined by any state or federal bar and there are no disciplinary proceedings pending against me as a member of the bar in any jurisdiction.

Exhibits

12. Attached to this Declaration is a true and accurate copy of Exhibit 1 – my detailed time records in this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 11th day of August, 2023,

By:

A handwritten signature in blue ink, appearing to read "J. Zalesin", is written over a light blue horizontal line.

Jeffrey Zalesin

EXHIBIT 1

Plaintiff's Attorney Jeffrey Zalesin Time Entry Ledger

Date	Description	Time
6/1/22	Recommend revisions to partner organization's draft of proposed FOIA request for prospective client in Census Bureau matter. Prepare for and participate in call with J. Goldstein re: same.	3.50
6/14/22	Respond to questions from J. Goldstein re: FOIA request	0.60
6/15/22	Read recent article by Census Bureau officials. Email co-counsel re: same.	0.60
6/16/22	Revise FOIA request to incorporate recent article by Census Bureau officials	1.00
6/17/22	Supervise cite check of FOIA request	0.80
6/22/22	Incorporate edits to FOIA request from cite check	0.70
6/23/22	Make final corrections to FOIA request	2.00
6/28/22	Lead introductory call with summer associates	1.00
7/1/22	Quarterly update of budget estimate for pro bono matter	1.30
7/7/22	Communicate with co-counsel re filing of FOIA request	0.40
7/15/22	Call with summer associates re research tasks	0.20
7/29/22	Call with N. Tang re FOIA Exemption 3	0.50
9/8/22	Call with co-counsel re planning for fall semester and call with Census Bureau FOIA office	0.50
9/20/22	Respond to email from N. Tang re outreach to FOIA office	0.30
9/22/22	Comment on draft complaint. Participate in meeting with Election Law Clinic.	1.20
9/29/22	Prep for and participate in call with Election Law Clinic re draft complaint	1.10
10/5/22	Edit and comment on draft complaint	2.20
10/6/22	Call with Election Law Clinic re: revisions to complaint	0.90
10/13/22	Meeting with clinic team re: upcoming filing	1.00
10/18/22	Suggest edits to near-final version of complaint	0.50
10/19/22	Update J. Goldstein and C. Halligan on case status. Correspond with co-counsel re: filing plan.	0.60
10/20/22	Meeting with Election Law Clinic re: complaint filing and motion to expedite. Review and respond to edits to complaint from J. Goldstein. Propose edits to Clinic.	2.00
10/21/22	Attention to draft motion to expedite	0.40
10/24/22	Call with E. Maynard re: communications strategy	0.40
10/26/22	Edit motion to shorten answer deadline. Call with co-counsel re: same.	1.40
10/27/22	Meet with Election Law Clinic re: final details of case filing plan. Revise scheduling motion and ancillary papers.	1.70
10/28/22	Correspondence with co-counsel	0.10

10/29/22	Final review and edits on complaint, scheduling motion, and all supporting papers. Edit draft case summary for firm website.	1.50
10/31/22	Attention to complaint filing and public communications re: same	0.40
11/2/22	Prepare notices of appearance for J. Goldstein and J. Zalesin	0.30
11/7/22	Attention to filing of notices of appearance for self and J. Goldstein	0.30
11/9/22	Call US Attorney's Office re anticipated scheduling motion. Edit student draft of email to Court re anticipated scheduling motion.	1.00
11/10/22	Meeting with co-counsel re: case status and strategy	0.60
11/14/22	Call with R. Greenwood re: status of contact with US Attorney's Office	0.10
11/17/22	Attend weekly team meeting. Read memos circulated in advance of same.	1.30
12/1/22	Weekly team meeting with Election Law Clinic	0.50
12/2/22	Review Census Bureau's response to FOIA request. Call with clinic team re: same.	0.70
12/7/22	Attention to logistics of upcoming court conference	0.30
12/8/22	Call with R. Greenwood and T. Lee re: position on case management order	1.00
12/9/22	Call with client J. Phillips re: discovery plan	0.30
12/12/22	Meet and confer with DOJ re: case management plan	0.60
12/12/22	Revise proposed joint report re: discovery plan. Discuss same with R. Greenwood.	1.40
12/14/22	Research case law re: discovery in FOIA cases	0.50
12/15/22	Call with R. Greenwood and T. Lee re: prep for case management conference. Review case law for same.	1.20
12/16/22	Draft outline of talking points for case management conference	0.60
12/17/22	Analyze case law and draft talking points on anticipated questions for case management conference	5.90
12/19/22	Moot with J. Goldstein and clinic partners for case management conference. Revise talking points for same.	2.80
12/20/22	Argue case management issues at telephonic conference. Prepare for and debrief from same. Call with R. Greenwood and R. Guong re: potential expert witnesses.	2.20
1/11/23	Call with Election Law Clinic re: next steps	0.30
1/18/23	Call with opposing counsel re: possible data releases. Follow-up call with co-counsel.	0.50
1/23/23	Call with co-counsel re: position on briefing schedule. Emails with co-counsel re: same.	0.80
1/24/23	Prep for meet and confer with DOJ re: scheduling issue	0.30
1/25/23	Meet and confer with DOJ re: briefing schedule	0.60
1/29/23	Draft email memorializing meet and confer with DOJ	0.40
1/30/23	Update budget for pro bono matter	0.50
2/1/23	Meeting with clinic team	0.20

2/15/23	Meeting with clinic team re: drafting motion for summary judgment	0.60
2/22/23	Read new scholarship relevant to merits	0.40
3/1/23	Comments on draft MSJ. Participate in team meeting.	1.10
Total		56.10